

REMARKS

Claims 1-3 are pending. In the Office Action the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over Tanaka (U.S. Pat. No. 5,432,566) in view of Kawabata (U.S. Pat. No. 6,373,533 B1). Applicants have amended claims 1-3 to further clarify the claim.

To establish a prima facie case of obviousness under 35 U.S.C. 103(a), each of three requirements must be demonstrated. First, Tanaka in view of Kawabata, when combined, must disclose or suggest each and every element recited in the claims. See MPEP § 2143, page 2100-122. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See id. Third, a reasonable probability of success must exist. See id.

Claim 1, as amended, recites a luminance level compensating apparatus including, among others, a first masking device for passing only a luminance signal corresponding to a pixel in a first detection range in the vertical direction of an image which is indicated by an input luminance signal; and a second masking device for passing only a luminance signal corresponding to a pixel in a second detection range in the vertical direction of the image which is indicated by said input luminance signal, wherein the second detection range includes the first detection range and a detection range that is not covered by the first detection range.

The Examiner stated that Tanaka teaches applying two masking signals M₁, M₂ through masking signal supply switches 28, 29 to the luminance signal amplifier circuit 12 and the peak detector circuit 14. See Office Action, page 3. But Tanaka does not

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teach at least a second masking device for passing only a luminance signal corresponding to a pixel in a second detection range in the vertical direction of an image, wherein the second detection range includes a first detection range and a detection range that is not covered by the first detection range, as recited in claim 1.

On the contrary, in Tanaka, "masking signals M_1 , M_2 are signals of complementary type with the polarities thereof reversed to each other." Col. 4, lines 46-48; see also Fig. 6. "The video switch 20 is turned off when the masking signal M_1 is at "H" level, and turned on when the masking signal M_1 is at "L" level." Col. 5, lines 1-3. "The time-constant changing switch 21 is turned off when the masking signal M_2 is at "L" level, and turned on when the masking signal M_2 is at "H" level." Col. 5, lines 24-27. In other words, masking signals M_1 and M_2 turn on or turn off video switch 20 and time-constant changing switch 21 simultaneously and therefore mask or unmask a part of an image simultaneously. Nowhere does Tanaka teach or suggest any luminance level compensating apparatus having the claimed elements including, among other things, a second masking device for passing only a luminance signal corresponding to a pixel in a second detection range in the vertical direction of an image, wherein the second detection range includes a first detection range and a range that is not covered by the first detection range, as recited in claim 1. Kawabata does not cure this deficiency. Indeed, Kawabata does not disclose or suggest any masking device at all.

The Examiner admitted that "Tanaka does not explicitly specify the histogram generator (histogram memory device)." Office Action, page 3. However, the Examiner alleged that "Kawabata teaches . . . the histogram generator 1." Id. Kawabata discloses an image quality correction circuit having a histogram generator which

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generates the distribution of picture levels of the luminance signal of input video signals in the form a histogram. See col. 2, line 64-col. 3, line 4. However, Kawabata does not disclose or suggest any masking device and, therefore, does not disclose at least a first histogram memory device for detecting and storing a first frequency for each luminance level of the luminance signal output from said first masking device for each predetermined period.

Further, Kawabata does not teach a first histogram memory device and a second histogram memory device in the correction circuit, and generating mixed frequency data based on each of the first and second frequencies of the first and second histogram memory devices.

Therefore, Kawabata does not disclose at least a first histogram memory device for detecting and storing a first frequency for each luminance level of the luminance signal output from said first masking device for each predetermined period, a second histogram memory device for detecting and storing a second frequency for each luminance level of the luminance signal output from said second masking device for each predetermined period, and a frequency data mixing device for generating mixed frequency data based on each of the first and second frequencies of said first and second histogram memory devices, as recited in claim 1.

In view of the failure of Tanaka and Kawabata to disclose or suggest all features of claim 1, Applicants submit that claim 1 is patentable over Tanaka in view of Kawabata.

Claims 2 and 3 depend on claim 1. For at least the reasons given above with respect to claim 1, Applicants respectfully submit that claims 2 and 3 are patentable

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over Tanaka in view of Kawabata. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, Applicants respectfully submit that each and every one of claims 1-3 defines patentable subject matter, and that the application is in condition for allowance. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 6, 2003

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